

REMARKS

Claims 16, 17, 33, 34, 46, 48, 50, and 55-57 have been amended. Claims 1, 3-8, 10-17, 19-48 and 50-57 remain pending in the application. Claims 10, 11, 23, 28, 29, 41, 50 and 51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Reconsideration is respectfully requested in light of the following remarks.

Section 102(e) Rejection:

The Office Action rejected claims 1, 6, 7, 13-17, 20-22, 24, 31-35, 37-40, 48 and 53-56 under 35 U.S.C. § 102(e) as being anticipated by Ballantyne et al. (U.S. Patent 6,687,873) (hereinafter “Ballantyne”). Applicants respectfully traverse this rejection for at least the following reasons.

In regard to claim 1, as a first matter, Ballantyne discloses: “[a] computer system that modifies a legacy computer system to output data in XML format. A code generation system interfaces with [the] legacy computer system to allow the analysis of one or more legacy program applications and the generation of one or more modified legacy program applications. [The] Code generation system also provides a writer engine and context table to [the] legacy computer system. [The] Legacy computer system is then able to directly output XML formatted data when modified legacy program applications call [the] writer engine in cooperation with [the] context table to output syntactically correct XML data.” (Ballantyne, column 6, lines 15-26; emphasis added). At col. 7, lines 47-52, Ballantyne discloses (emphasis added): “At step 42, the modification specification is used to automatically generate modified legacy code to be run on the legacy computer system 12. The modified legacy code is run at step 44 so that the modified legacy program applications emit output from legacy system 12 in XML format without requiring further transformation of the output data.” In other words, Ballantyne discloses a system in which a “Code generation system” generates “modified legacy program applications” on a legacy system. The “modified legacy program applications” on the legacy system can

then be run to generate output data without requiring further transformation of the output data (col. 7, lines 51-52).

In contrast, claim 1 recites a service in a distributed computing environment generating results data for a client in a distributed computing environment. Claim 1 further recites a data presentation process accessing a presentation schema in the distributed computing environment. The presentation schema includes information for presenting results data for clients in the distributed computing environment. The presentation schema is provided by the service; the data presentation process and the service execute on separate devices in the distributed computing environment. Claim 1 further recites the data presentation process accessing the results data and presenting the results data for the client in accordance with the information from the presentation schema.

Thus, in contrast to Ballantyne's system in which a "code generation system" generates "modified legacy program applications" on a legacy system which can then be run to generate output data without requiring further transformation of the output data, claim 1 recites a service generating results data, a separate data presentation process accessing a presentation schema (provided by the service) and the results data (generated by the service), and the data presentation process presenting the results data for the client in accordance with the presentation schema.

Ballantyne clearly does not anticipate the subject matter as recited in claim 1 when viewed as a whole.

In further regard to claim 1, the Office has failed to establish that Ballantyne anticipates "a service in the distributed computing environment generating results data for a client in the distributed computing environment."

The Office Action asserts that Ballantyne's "code generation system" meets the above limitation, asserting that that Ballantyne's "code generation system" is for

“generating report data to be delivered to a client.” However, even the most cursory examination of Ballantyne shows that Ballantyne’s “code generation system” does not generate “report data to be delivered to a client.” Instead, Ballantyne teaches that the “code generation system interfaces with [the] legacy computer system to allow the analysis of one or more legacy program applications and the generation of one or more modified legacy program applications. [The] Code generation system also provides a writer engine and context table to [the] legacy computer system.” (Ballantyne, Abstract). Thus, Ballantyne’s “code generation system generates “modified legacy program applications” and “a writer engine and context table” and provides these to the legacy computer system, and is not described by Ballantyne as generating “report data to be delivered to a client.”

Contrary to the Office’s contention, Ballantyne nowhere describes the “code generation system” as generating anything like “report data to be delivered to a client.” Ballantyne discloses “a method and system for modifying program applications of a legacy computer system to directly output data in XML format.” (Abstract, emphasis added). At col. 7, lines 47-52, Ballantyne discloses (emphasis added): “At step 42, the modification specification is used to automatically generate modified legacy code to be run on the legacy computer system 12. The modified legacy code is run at step 44 so that the modified legacy program applications emit output from legacy system 12 in XML format without requiring further transformation of the output data.” Ballantyne thus teaches that modified legacy program applications directly generate output data in XML format “without requiring further transformation of the output data,” and does not teach that the “code generation system” generates “report data to be delivered to a client.”

In further regard to claim 1, the Office has failed to establish that Ballantyne anticipates “a data presentation process accessing a presentation schema in the distributed computing environment, wherein the presentation schema includes information for presenting results data for clients in the distributed computing environment, wherein the presentation schema is provided by the service, wherein the data presentation process and the service execute on separate devices in the

distributed computing environment; the data presentation process accessing the results data; and the data presentation process presenting the results data for the client in accordance with the information from the presentation schema.”

The Office Action asserts that Ballantyne teaches “two different systems, a legacy computer system and a code generation system which are used to output data into XML format.” However, what Ballantyne actually discloses is “a method and system for modifying program applications of a legacy computer system to directly output data in XML format.” (Abstract, emphasis added). Ballantyne actually discloses a system in which the “code generation system” generates “modified legacy program applications” on the legacy system. The “modified legacy program applications” on the legacy system can then be run to generate output data without requiring further transformation of the output data (col. 7, lines 51-52). Thus, Ballantyne’s “code generation system” is actually used to generate “modified legacy program applications,” and is not used to output data into XML format. The “modified legacy program applications” on the legacy system are executable to directly output data without requiring further transformation of the output data. Thus, contrary to the Office’s contention, Ballantyne actually teaches two different systems, a code generation system which is used to generate modified legacy program applications, and a legacy computer system that includes the modified legacy program applications which may be executed to directly output data in XML format.

Furthermore, the Office Action contends that Ballantyne’s legacy computer system that “accesses XML schema from a code generation system” anticipates claim 1’s “data presentation process.” However, as noted above, Ballantyne’s “modified legacy program applications” on the legacy computer system are executable to directly output data without requiring further transformation of the output data. In contrast to Ballantyne’s system in which Ballantyne’s “modified legacy program applications” on the legacy computer system are executable to directly output data without requiring further transformation of the output data, claim 1 recites a service in the distributed computing environment generating results data for a client in a distributed computing environment, a data presentation process (on a separate device in the distributed

computing environment than the service) accessing a presentation schema in the distributed computing environment; the data presentation process accessing the results data previously generated by the service; and the data presentation process presenting the results data for the client in accordance with the information from the presentation schema. **This is clearly different than the method under which Ballantyne's system actually operates.**

Furthermore, the Office Action has asserted that that Ballantyne's "code generation system" is for "generating report data to be delivered to a client" and thus anticipates "a service in the distributed computing environment generating results data for a client in the distributed computing environment." For Ballantyne's system to anticipate Applicants' claim 1 as asserted by the Office, Ballantyne's "code generation system" would have to generate the results data for the client, and Ballantyne's legacy computer system would then have to access a "presentation schema" provided by the "code generation system", access the results data generated by Ballantyne's "code generation system", and present the results data for the client in accordance with the presentation schema. **This is clearly different than the method under which Ballantyne's system actually operates.** Instead, Ballantyne clearly describes a system in which the "code generation system" generates "modified legacy program applications" on the legacy system, and that the "modified legacy program applications" may then be executed to generate output data without requiring further transformation of the output data (Ballantyne; see, e.g., Abstract and col. 7, lines 47-52). Moreover, as noted above, Ballantyne does not teach or even suggest that the "code generation system" generates "results data for a client" as recited in Applicants' claim 1.

"[U]nless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102." *Net MoneyIN, Inc. v. VeriSign et al.*, Case No. 07-1565 (Fed. Cir., Oct. 20, 2008). Anticipation requires the presence in a single prior art reference disclosure of each and every element of the

claimed invention, arranged as in the claim. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The requirement that the prior art elements themselves be “arranged as in the claim” means that claims cannot be “treated . . . as mere catalogs of separate parts, in disregard of the part-to-part relationships set forth in the claims and that give the claims their meaning.” *Id.* The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). As shown above, Ballantyne fails to disclose numerous aspects of Applicants’ claimed invention. Thus, for at least the reasons above, the rejection of claim 1 is not supported by the cited art and withdrawal of the rejection is respectfully requested. Similar arguments apply in regard to independent claims 24 and 48.

Regarding claim 22, Ballantyne fails to teach at least the features of, wherein the data presentation process in the distributed computing environment accessing the presentation schema comprises the client receiving information for accessing the presentation schema and the client providing the information for accessing the presentation schema to the data presentation process. Ballantyne’s system does not include a client receiving information for accessing a presentation schema. Ballantyne’s system modifies a legacy application to output data formatted in XML according to a XML schema, which the Office equates to the presentation schema of Applicants’ claims. A client receiving an e-mail message with a link the client can click on to view “results or report data”, thus using a web browser to view e.g. a phone bill on the client’s computer, does not teach receive information for accessing the XML schema of Ballantyne’s system.

Additionally, Ballantyne’s system does not include *the client providing the information for accessing the presentation schema* to the data presentation process. Clicking on a link to present report data to the client via a web browser clearly does not teach a client providing information for accessing a presentation schema to a data presentation process.

Thus, the rejection of claim 22 is not supported by the cited art and removal thereof is respectfully requested. Similar arguments apply in regard to claim 40.

Section 103(a) Rejection:

The Office Action rejected claims 3-5, 19, 25, 26, 36, 46, 47 and 57 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ballantyne in view of Merrick et al. (U.S. Publication 2005/0166209) (hereinafter “Merrick”). Applicants respectfully traverse this rejection for at least the following reasons.

Regarding claim 3, the cited art fails to disclose, teach or suggest that generating the results data is performed in response to the client sending a request message in a data representation language to the service, wherein the request message requests the service to perform a function on behalf of the client and wherein the function generates the results data when performed by the service. The Office cites column 17, lines 35-67 of Ballantyne, which describes various benefits to modifying legacy applications to output XML formatted data. However, the cited passage does not teach that the modified applications generate results data, such as the billing statements or invoices mentioned by the Examiner, in response to a client sending a request message in a data representation language to the service (e.g. the same service that both generates the results data and provides the presentation schema).

Ballantyne discusses that the XML output from modified applications may be stored in a database for later retrieval or for integration into other applications. (see, Ballantyne, column 17, lines 15-24; 33-36; and line 65 – column 18, line 2). The Office argues that a “user can request information such as billing statements or invoices by clicking on a web link within an email which results in the outputting of a bill.” However, the Office has misrepresented the teachings of Ballantyne. Ballantyne teaches, “individual telephone customers could receive their telephone bill by e-mail containing a web link to a site that provides the individual’s bill detail” (Ballantyne, column 17, lines 50-52). Sending a bill to a customer in an email is very different from a service

generating results data in response to receiving a request from a client in a data representation language.

The Office has previously responded to the above argument by asserting, “receiving a telephone bill from a telephone provider via a web link involves a service (i.e. telephone provider) generating results data (i.e. bill)” and further arguing, “[c]licking on a web link is sending a request to the server” (Final Action, dated November 29, 2005, page 12, lines 2-5). However, the Office has failed to consider that claim 3 requires that the generating of results data is performed in response to the client sending a request message to the same service (from claim 1) that both generates the results data and provides the presentation schema. The web server that would receive a message in response to a user clicking a web link in an email is clearly not the same as the code generation system that the Office contends generate the results data.

Furthermore, Ballantyne teaches that the XML output from modified applications may be stored in a database for later retrieval or for integration into other applications. (see, Ballantyne, column 17, lines 15-24; 33-36; and line 65 – column 18, line 2). Thus, the invoice information sent to the user in response to the user clicking on a web link (the example given by the Office Action) would not be generated by the web server, but instead generated by one of Ballantyne’s modified legacy applications, stored in a database, and merely retrieved by a web server. Moreover, since the invoice data would have been generated and stored in the database prior to the web server being able to retrieve it, the results data are clearly not generated in response to a user clicking a web link in an email. Hence, the Office’s interpretation of Ballantyne is erroneous.

Thus, the cited art clearly fails to teach wherein generating the results data is performed in response to the client sending a request message in a data representation language to the service, wherein the request message requests the service to perform a function on behalf of the client and wherein the function generates the results data when performed by the service.

In further regard to claim 3, the Office Action relies on Merrick to teach “a request message in a data representation language.” However, even if Merrick does teach “receiving a request message in XML,” as asserted by the Office, the proposed combination of Merrick with Ballantyne would still not overcome the shortcomings of Ballantyne as noted above.

Thus, for at least the reasons above, the rejection of claim 3 is not supported by the prior art and removal thereof is respectfully requested. Similar remarks also apply to claims 25 and 36.

In regard to claim 46, as a first matter, Ballantyne discloses a “computer system that modifies a legacy computer system to output data in XML format. A code generation system interfaces with [the] legacy computer system to allow the analysis of one or more legacy program applications and the generation of one or more modified legacy program applications. [The] Code generation system also provides a writer engine and context table to [the] legacy computer system. [The] Legacy computer system is then able to directly output XML formatted data when modified legacy program applications call [the] writer engine in cooperation with [the] context table to output syntactically correct XML data.” (Ballantyne, column 6, lines 15-26; emphasis added). At col. 7, lines 47-52, Ballantyne discloses (emphasis added): “At step 42, the modification specification is used to automatically generate modified legacy code to be run on the legacy computer system 12. The modified legacy code is run at step 44 so that the modified legacy program applications emit output from legacy system 12 in XML format without requiring further transformation of the output data.” In other words, Ballantyne discloses a system in which a “Code generation system” generates “modified legacy program applications” on a legacy system. The “modified legacy program applications” on the legacy system can then be run to generate output data without requiring further transformation of the output data (col. 7, lines 51-52).

In contrast, claim 46 recites a device comprising a data presentation component and a client component, wherein the client component is configured to access a

presentation schema provided by a service in a distributed computing environment, wherein the service executes on a different device in the distributed computing environment than the device comprising the data presentation component and the client component; wherein the client component is further configured to access the results data generated by the service and provide the results data and the presentation schema to the data presentation component; and wherein the data presentation component is configured to present the results data on the device in accordance with the information in the presentation schema.

Thus, in contrast to Ballantyne's system in which a "code generation system" generates "modified legacy program applications" on a legacy system which can then be run to generate output data without requiring further transformation of the output data, claim 46 recites a client component on a device accessing a presentation schema provided by a service that executes on a separate device, the client component on the device accessing results data generated by the service that executes on a separate device, and the client component providing the results data and the presentation schema to a data presentation component that executes on the same device on which the client component executes and not on a separate device on which the service executes. The data presentation component is configured to present the results data on the device in accordance with the information for presenting the results data in the presentation schema. The client component and the data presentation component both execute on the device of claim 46, while the service executes on a separate device.

The Office relies on Merrick to teach "the client component and the service execute on separate devices in the distributed computing environment." However, even if Merrick teaches "a client machine and a server machine" as asserted by the Office, this does not overcome the above-noted shortcomings in Ballantyne, for example that the client component and the data presentation component both execute on the device of claim 46, while the service executes on a separate device.

The cited art clearly does not suggest the subject matter as recited in claim 46 when viewed as a whole.

In further regard to claim 46, the cited art fails to teach at least the features of, “A device, comprising: a data presentation component; and a client component configured to: access a presentation schema provided by a service in a distributed computing environment, wherein the presentation schema includes information for presenting results data generated by the service, and wherein the service executes on a different device in the distributed computing environment than the device comprising the data presentation component and the client component.”

The Office Action relies on Ballantyne to teach “A device, comprising: a data presentation component; and a client component configured to: access a presentation schema provided by a service in a distributed computing environment, wherein the presentation schema includes information for presenting results data generated by the service”, and on Merrick to teach “wherein the client component and the service execute on separate devices in the distributed computing environment.” The Office asserts that Ballantyne “teaches a system for reporting data from a legacy computer system” and that this allegedly “meets the claimed *device, comprising: a data presentation component*.” The Office further asserts that Ballantyne “discloses a client is presented results data as in column 17, lines 25-67.” The Office further asserts that Ballantyne “teaches a means to access an XML schema provided by the legacy computer system (**i.e. service**) where the XML schema determines how to output data from the legacy computer application in XML format,” and that this allegedly “meets the limitation *a client component configured to: access a presentation schema provided by a service in a distributed computing environment, wherein the presentation schema includes information for presenting results data generated by the service*.” **Thus, the Office Action equates Ballantyne’s “legacy computer system” with both Applicants’ “data presentation component” and Applicants’ “service.”**

However, claim 46 recites that “the service executes on a different device in the distributed computing environment than the device comprising the data presentation component and the client component.” Claim 46’s “data presentation component” clearly executes on a different device than the service in the distributed computing environment. **Thus, contrary to the Office’s contention, Ballantyne’s “legacy computer system” cannot teach both claim 46’s “data presentation component” and claim 46’s “service.”**

The Office Action admits that Ballantyne “does not expressly teach the client component and the service execute on separate devices in the distributed computing environment,” and relies on Merrick to teach this feature. However, even if Merrick teaches “a client machine and a server machine” as asserted by the Office, this does not overcome the above-noted shortcomings in Ballantyne, namely that Ballantyne’s “legacy computer system” cannot teach both claim 46’s “data presentation component” and claim 46’s “service,” as claim 46’s “data presentation component” executes on a different device than claim 46’s service.

Thus, for at least the reasons above, the rejection of claim 46 is not supported by the cited art and withdrawal of the rejection is respectfully requested.

The Office Action rejected claims 8, 27 and 42-45 under 35 U.S.C. § 103(a) under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ballantyne. Applicants respectfully traverse this rejection for at least the following reasons.

In regard to claim 42, the Office has failed to establish that the cited art teaches a distributed computing system, comprising: a storage device and a service device.

The Office Action simply says “See figure 1.” However, Applicants cannot identify from Ballantyne’s FIG. 1 what elements the Office is asserting as allegedly teaching a storage device and a service device. Specifically, Applicants can find no

“storage device” in Ballantyne’s FIG. 1, nor can Applicants find any mention of a “storage device” in Ballantyne’s specification related to FIG. 1 or to any other Figure.

In further regard to claim 42, the cited art fails to teach a service device configured to: provide a presentation schema advertisement; store the presentation schema advertisement on the storage device; and produce results data on behalf of a client in the distributed computing system; wherein the presentation schema advertisement includes information for enabling access to a presentation schema for presenting the results data.

The Office Action asserts that Ballantyne discloses “a code generation system for generating report data to be delivered to a client such as a telephone customer” which the Office alleges meets the limitation “a service device configured to: provide a presentation schema; store the presentation schema on the storage device; and produce results data on behalf of a client in the distributed computing system.”

As a first matter, even a cursory examination of Ballantyne shows that Ballantyne’s “code generation system” does not generate “report data to be delivered to a client.” Instead, Ballantyne teaches that the “code generation system interfaces with [the] legacy computer system to allow the analysis of one or more legacy program applications and the generation of one or more modified legacy program applications. [The] Code generation system also provides a writer engine and context table to [the] legacy computer system.” (Ballantyne, Abstract). Thus, Ballantyne’s “code generation system generates “modified legacy program applications” and “a writer engine and context table” and provides these to the legacy computer system, and is not described by Ballantyne as generating “report data to be delivered to a client.”

Contrary to the Office’s contention, Ballantyne nowhere describes the “code generation system” as generating anything like “report data to be delivered to a client.” Ballantyne discloses “a method and system for modifying program applications of a legacy computer system to directly output data in XML format.” (Abstract, emphasis

added). At col. 7, lines 47-52, Ballantyne discloses (emphasis added): “At step 42, the modification specification is used to automatically generate modified legacy code to be run on the legacy computer system 12. The modified legacy code is run at step 44 so that the modified legacy program applications emit output from legacy system 12 in XML format without requiring further transformation of the output data.” Ballantyne thus teaches that modified legacy program applications directly generate output data in XML format “without requiring further transformation of the output data,” and does not teach that the “code generation system” generates “report data to be delivered to a client.”

Furthermore, claim 42 does not even include the limitation “a service device configured to: provide a presentation schema [and] store the presentation schema on the storage device,” as stated in the Office Action. Instead, claim 42 specifically recites “a service device configured to: provide a presentation schema advertisement [and] store the presentation schema advertisement on the storage device.” Claim 42 goes on to recite “wherein the presentation schema advertisement includes information for enabling access to a presentation schema for presenting the results data.” Claim 42’s “presentation schema advertisement” is clearly different and distinct from claim 42’s “presentation schema.” The Office Action improperly changes the actual language of Applicants’ claim and then asserts that the cited art teaches a limitation that claim 42 does not even recite.

The Office Action goes on to compound this error by asserting that Ballantyne teaches “two different computer systems, a legacy computer system and a code generation system which are used to output data into XML format,” that Ballantyne’s legacy computer system “accesses XML schema from a code generation system,” and that this “meets the portion of the limitation” that the Office Action states as “wherein the presentation schema includes information for enabling access to a presentation schema for presenting the results data.” However, the Office Action again improperly changes the actual language of Applicants’ claim and then asserts that the cited art teaches a limitation that claim 42 does not even recite. Claim 42 instead recites “wherein the presentation schema advertisement includes information for enabling access to a

presentation schema for presenting the results data.” Furthermore, the Office Action’s modification of what claim 42 actually recites does not make any sense. The Office Action has asserted that the cited art teaches “a service device configured to: provide a presentation schema [and] store the presentation schema on the storage device.” Now the Office Action is asserting that this same presentation schema includes information for enabling access to a presentation schema for presenting the results data.

Moreover, the cited art does not teach or even suggest anything at all like a presentation schema advertisement that includes information for enabling access to a presentation schema for presenting the results data. Furthermore, even if one accepts the Office Action’s improper modification of Applicants’ actual claims language, the cited art does not teach or suggest anything at all like a presentation schema that includes information for enabling access to a presentation schema for presenting the results data.

The Office Action goes on to assert “although Ballantyne does not expressly use the term “advertisements”, the term “report data” could comprise an advertisement. Ballantyne teaches providing results data in the form of XML to a display device. The XML data may comprise invoices, billing statements, or any other type of report data including advertisement. Ballantyne teaches providing report data to a display device, where a user can then access the data (i.e. billing statements). Although Ballantyne does not state “advertisements”, the term “report data” could comprise an advertisement so long as it “advertises” a company. In this case sending an email from a telephone company comprising a link to a bill could be interpreted as an “advertisement” because it is naming the company, which is advertising a company.”

The Office Action has improperly extracted the term “advertisement” from the claims language in an attempt to support the assertion that the cited art teaches the limitations of the claim. Claim 42 clearly recites a service device configured to provide a presentation schema advertisement and store the presentation schema advertisement on a storage device. The presentation schema advertisement includes information for enabling access to a presentation schema for presenting the results data. **Claim 42’s presentation**

schema advertisement clearly advertises a presentation schema for presenting the results data provided by the service device, and has nothing whatsoever to do with displayed information “advertising a company.”

Even if Ballantyne’s “report data” may comprise an “advertisement” as asserted by the Office Action, this clearly fails to teach or even suggest anything like a service device providing a presentation schema advertisement and storing the presentation schema advertisement on a storage device, where the presentation schema advertisement includes information for enabling access to a presentation schema for presenting results data provided by the service device, as is actually recited in Applicants’ claim 42.

Thus, for at least the reasons above, the rejection of claim 42 is not supported by the cited art and withdrawal of the rejection is respectfully requested.

The Office Action rejected claims 12, 30 and 52 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ballantyne in view of Sravanapudi et al. (U.S. Publication 2001/0049603) (hereinafter “Sravanapudi”). However, as the rejection under 35 U.S.C. § 102(e) of the independent claims from which these claims depend has been shown to be not supported by the cited art, further discussion of this rejection is not necessary at this time.

Regarding both the § 102 and § 103 rejections, Applicants also assert that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

ALTERNATIVE GROUNDS OF REJECTION

Section 103(a) Rejection:

The Office Action rejected claims 1, 6-8, 13-17, 20-22, 24, 27, 31-35, 37-40, 42-45, 48 and 53-56 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ballantyne. Applicants respectfully traverse this rejection for at least the following reasons.

In regard to claim 1, Applicants traverse this rejection for at least the reasons given above in regard to the 102(e) rejection of claim 1.

The Office Action, under this 103(a) rejection, adds an argument that “although Ballantyne does not expressly utilize the term a ‘service’, a skilled artisan would be cognizant of the fact that a computer system producing reports for delivery to a customer such as a telephone customer is a service because a service is an entity that can be used by a person, program or another service as described in page 4 of the specification.” While Applicants do not necessarily agree with the Office’s argument as to what a “skilled artisan” would be cognizant of in regard to the term “service”, Applicants assert that the Office’s assertions are in any case irrelevant to Applicants’ responses as given under the 102(e) rejection of claim 1.

However, in this additional argument, the Office Action continues to misrepresent Ballantyne’s actual system, for example by asserting that Ballantyne’s “code generation computer systems are used to output reports via a legacy computer system” and asserting that Ballantyne’s “code generation system is used by a business to output reports via a legacy computer system” and is thus a service. Even a cursory examination of Ballantyne shows that Ballantyne’s “code generation system” is not “used to output reports via a legacy computer system,” as asserted in the Office Action. Instead, Ballantyne teaches that the “code generation system interfaces with [the] legacy computer system to allow the analysis of one or more legacy program applications and

the generation of one or more modified legacy program applications. [The] Code generation system also provides a writer engine and context table to [the] legacy computer system.” (Ballantyne, Abstract). Thus, Ballantyne’s “code generation system generates “modified legacy program applications” and “a writer engine and context table” and provides these to the legacy computer system, and is not described by Ballantyne as being “used to output reports via a legacy computer system.”

Thus, for at least the reasons above, the rejection of claim 1 under 103(a) is not supported by the cited art and withdrawal of the rejection is respectfully requested. Similar arguments apply in regard to independent claims 24 and 48.

In regard to claim 22, Applicants traverse this rejection for at least the reasons given above in regard to the 102(e) rejection of claim 22. Thus, the rejection of claim 22 is not supported by the cited art and removal thereof is respectfully requested. Similar arguments apply in regard to claim 40.

In regard to claim 42, Applicants traverse this rejection for at least the reasons given above in regard to the first 103(a) rejection of claim 42.

The Office Action, under this 103(a) rejection, adds an argument that “although Ballantyne does not expressly utilize the term a ‘service’, a skilled artisan would be cognizant of the fact that a computer system producing reports for delivery to a customer such as a telephone customer is a service because a service is an entity that can be used by a person, program or another service as described in page 4 of the specification.” While Applicants do not necessarily agree with the Office’s argument as to what a “skilled artisan” would be cognizant of in regard to the term “service”, Applicants assert that the Office’s assertions are in any case irrelevant to Applicants’ responses as given under the first 103(a) rejection of claim 42.

However, in this additional argument, the Office Action continues to misrepresent Ballantyne’s actual system, for example by asserting that Ballantyne’s “code generation

computer systems are used to output reports via a legacy computer system” and asserting that Ballantyne’s “code generation system is used by a business to output reports via a legacy computer system” and is thus a service. Even a cursory examination of Ballantyne shows that Ballantyne’s “code generation system” is not “used to output reports via a legacy computer system,” as asserted in the Office Action. Instead, Ballantyne teaches that the “code generation system interfaces with [the] legacy computer system to allow the analysis of one or more legacy program applications and the generation of one or more modified legacy program applications. [The] Code generation system also provides a writer engine and context table to [the] legacy computer system.” (Ballantyne, Abstract). Thus, Ballantyne’s “code generation system generates “modified legacy program applications” and “a writer engine and context table” and provides these to the legacy computer system, and is not described by Ballantyne as being “used to output reports via a legacy computer system.”

Thus, for at least the reasons above, the rejection of claim 42 is not supported by the cited art and withdrawal of the rejection is respectfully requested.

The Office Action rejected claims 3-5, 19, 25, 26, 36, 46, 47 and 57 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ballantyne in view of Merrick. Applicants respectfully traverse this rejection for at least the following reasons.

In regard to claim 3, Applicants traverse this rejection for at least the reasons given above in regard to the first 103(a) rejection of claim 3. Thus, for at least the reasons above, the rejection of claim 3 is not supported by the prior art and removal thereof is respectfully requested. Similar remarks also apply to claims 25 and 36.

In regard to claim 46, Applicants traverse this rejection for at least the reasons given above in regard to the first 103(a) rejection of claim 46.

The Office Action, under this 103(a) rejection, adds an argument that “although Ballantyne does not expressly utilize the term a ‘service’, a skilled artisan would be cognizant of the fact that a computer system producing reports for delivery to a customer such as a telephone customer is a service because a service is an entity that can be used by a person, program or another service as described in page 4 of the specification.” While Applicants do not necessarily agree with the Office’s argument as to what a “skilled artisan” would be cognizant of in regard to the term “service”, Applicants assert that the Office’s assertions are in any case irrelevant to Applicants’ responses as given under the first 103(a) rejection of claim 46.

However, in this additional argument, the Office Action continues to misrepresent Ballantyne’s actual system, for example by asserting that Ballantyne’s “code generation computer systems are used to output reports via a legacy computer system” and asserting that Ballantyne’s “code generation system is used by a business to output reports via a legacy computer system” and is thus a service. Even a cursory examination of Ballantyne shows that Ballantyne’s “code generation system” is not “used to output reports via a legacy computer system,” as asserted in the Office Action. Instead, Ballantyne teaches that the “code generation system interfaces with [the] legacy computer system to allow the analysis of one or more legacy program applications and the generation of one or more modified legacy program applications. [The] Code generation system also provides a writer engine and context table to [the] legacy computer system.” (Ballantyne, Abstract). Thus, Ballantyne’s “code generation system generates “modified legacy program applications” and “a writer engine and context table” and provides these to the legacy computer system, and is not described by Ballantyne as being “used to output reports via a legacy computer system.”

Thus, for at least the reasons above, the rejection of claim 46 is not supported by the cited art and withdrawal of the rejection is respectfully requested.

The Office Action rejected claims 12, 30 and 52 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ballantyne in view of Sravanapudi. However, as the

rejection under 35 U.S.C. § 103(a) of the independent claims from which these claims depend has been shown to be not supported by the cited art, further discussion of this rejection is not necessary at this time.

Regarding both the § 102 and § 103 rejections, Applicants also assert that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

Applicants submit the application is in condition for allowance, and an early notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-57700/RCK.

Respectfully submitted,

/Robert C. Kowert/

Robert C. Kowert, Reg. #39,255
Attorney for Applicants

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8850

Date: March 15, 2010